

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROYAL PARK INVESTMENTS SA/NV, Plaintiff, v. HSBC BANK USA, N.A., Defendant.	No. 1:14-cv-08175-LGS-SN
BLACKROCK BALANCED CAPITAL PORTFOLIO (FI), <i>et al.</i> , Plaintiffs, v. HSBC BANK USA, N.A., Defendant.	No. 1:14-cv-09366-LGS-SN
PHOENIX LIGHT SF LIMITED, <i>et al.</i> , Plaintiffs, v. HSBC BANK USA, N.A., Defendant.	No. 1:14-cv-10101-LGS-SN
NATIONAL CREDIT UNION ADMINISTRATION BOARD, <i>et al.</i> , Plaintiffs, v. HSBC BANK USA, N.A., Defendant.	No. 1:15-cv-02144-LGS-SN
COMMERZBANK AG, Plaintiff, v. HSBC BANK USA, N.A., Defendant.	No. 1:15-cv-10032-LGS-SN
TRIAXX PRIME CDO 2006-1, <i>et al.</i> , Plaintiffs, v. HSBC BANK USA, N.A., Defendant.	No. 1:15-cv-10096-LGS-SN

**NOTICE OF COORDINATED PLAINTIFFS' RULE 72 OBJECTIONS
AND MOTION TO VACATE THE MAGISTRATE JUDGE'S
OPINION AND ORDER CONCERNING SAMPLING**

PLEASE TAKE NOTICE that Plaintiffs in the six above-captioned coordinated actions, namely, Royal Park Investments SA/NV, Blackrock Balanced Capital Portfolio (FI), Phoenix Light SF Limited, National Credit Union Administration Board, as liquidating agent, Commerzbank AG, and Triaxx Prime CDO 2006-1, collectively “Coordinated Plaintiffs,” relying upon (i) the Memorandum of Law in Support of Coordinated Plaintiffs’ Rule 72 Objections and Motion to Vacate the Magistrate Judge’s Opinion and Order Concerning Sampling; (ii) the Declaration of Scott K. Attaway and exhibit thereto; and (iii) all prior proceedings and matters of record in these cases, will move this Court before the Honorable Lorna G. Schofield, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, on a date to be determined by the Court, for an order pursuant to Federal Rule of Civil Procedure 72: (i) vacating the February 24, 2017 bottom-line Order and the March 10, 2017 Opinion and Order issued by the Honorable Sarah Netburn, United States Magistrate Judge, precluding plaintiffs from re-underwriting a sampling of loans for the purpose of proving liability or damages beyond the loans in the sample, as entered in each of these six actions,¹ (ii) holding that “discovery” as used in the operative agreements means constructive knowledge as set forth in Plaintiffs’ Memorandum; and (iii) authorizing plaintiffs’ proposed use of sampling to support their cases at trial.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s March 16, 2017 Order, Defendant shall file any opposition brief by April 28, 2017, and Plaintiffs shall file any reply brief by May 8, 2017.

¹ *Royal Park*, ECF Nos. 279 & 292, Case No. 1:14-cv-08175-LGS-SN; *Blackrock*, ECF Nos. 304 & 320, Case No. 1:14-cv-09366-LGS-SN; *Phoenix Light*, ECF Nos. 212 & 225, Case No. 1:14-cv-10101-LGS-SN; *NCUA*, ECF Nos. 212 & 225, Case No. 1:15-cv-02144-LGS-SN; *Commerzbank*, ECF Nos. 167 & 180, Case No. 1:15-cv-10032-LGS-SN; *Triaxx Prime*, ECF Nos. 125 & 135, Case No. 1:15-cv-10096-LGS-SN.

Oral argument is requested. Plaintiffs will file a letter request pursuant to the Court's Individual Rule III.B.6 in due course.

Dated: April 7, 2017

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Pursuant to this Court's ECF Rule 8.5(b),
counsel for NCUA represents that counsel
for these Coordinated Plaintiffs have
consented to the placement of their
electronic signatures on this document.

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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2017, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send a Notice of Electronic Filing upon all counsel of record.

/s/ Scott K. Attaway

Scott K. Attaway